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**FILED**

**JUL 09 2009**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF: )  
KERN RIVER GAS TRANSMISSION CO. )  
MUDDY CREEK COMPRESSOR STATION, ) Docket No. 09-2601  
AIR QUALITY PERMIT MD-7883 )

**THIRD STIPULATED MOTION TO EXTEND RESPONSE FILING DEADLINE**

The Wyoming Department of Environmental Quality, Air Quality Division (“DEQ/AQD”), through the Office of the Attorney General, and Kern River Gas Transmission Company (“Kern River”) pursuant to Chapter 2, § 3 of the DEQ Rules of Practice and Procedure, move for an order extending the DEQ/AQD’s deadline to file a Response to Kern River’s Appeal of Air Quality Permit MD-7883 until October 8, 2009.

The grounds for this stipulated motion are as follows:

1. On April 21, 2009, Kern River filed an *Appeal of Air Quality Permit MD-7883*.
2. By Order filed April 22, 2009, this Council ordered that DEQ file a Response to Kern River’s Appeal on or before May 22, 2009.
3. On May 19, 2009, the DEQ/AQD and Kern River were engaged in settlement discussions and, to facilitate settlement negotiations, filed a stipulated motion to extend the DEQ/AQD’s deadline for filing a response until June 22, 2009.

4. By Order dated May 20, 2009, this Council granted the DEQ/AQD and Kern River's stipulated motion, extending the DEQ/AQD's response filing deadline up to and including June 22, 2009.
5. On June 22, 2009, the DEQ/AQD and Kern River continued to be engaged in settlement discussions, and to facilitate settlement negotiations, filed a stipulated motion to extend the DEQ/AQD's deadline for filing a response until July 10, 2009.
6. By Order dated June 22, 2009, this Council granted the DEQ/AQD and Kern River's stipulated motion, extending the DEQ/AQD's response filing deadline up to and including July 10, 2009.
7. Since June 22, 2009, the DEQ/AQD and Kern River have continued settlement discussions resulting in a tentative agreement between the parties as to terms for resolving this matter.
8. Granting this Motion will allow the parties time to reduce their agreement to writing and complete their respective obligations under the terms of the agreement.

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WHEREFORE, DEQ and Kern River respectfully move this Council for an Order extending DEQ's deadline to file a Response until October 8, 2009. A proposed order is attached.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of July, 2009.

FOR RESPONDENT DEQ:

  
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